

Population	Fee
2,000 or less	\$ 5.00
2,001 to 5,000	7.50
5,001 to 10,000	10.00
10,001 or more	12.50

"The annual State fee for a Wine Only Package Store Permit outside of cities and towns shall be Five Dollars (\$5), except the annual State fee for a Wine Only Package Store Permit within two (2) miles of the corporate limits of a city or town shall be the same as the fee required in said incorporated city or town."

Sec. 2. The fact that the protection of the welfare, health, peace, temperance and safety of the people of Texas requires more effective regulation of the sale of liquor in this State, and the crowded condition of the Calendars in both Houses of the Legislature create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, April 18, 1951: Yeas 146, Nays 0; passed the Senate,

April 26, 1951: Yeas 31, Nays 0.

Approved May 10, 1951.

Effective May 10, 1951.

## INSURANCE—BOILER INSPECTION—FEES

### CHAPTER 158

H. B. No. 220

An Act to amend Sections 5 and 12, Acts, 1937, Forty-fifth Legislature, Page 893, Chapter 436, as amended by Acts, 1939, Forty-sixth Legislature, Page 433, House Bill No. 419, prescribing inspection fees; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Sections 5<sup>12</sup> and 12<sup>13</sup> of Acts, 1937, Forty-fifth Legislature, Page 893, Chapter 436, as amended by Acts, 1939, Forty-sixth Legislature, Page 433, House Bill No. 419, are hereby amended so that said Sections will hereafter read as follows:

"Section 5. Every insurance company insuring boilers in this State shall, within thirty (30) days after inspecting any steam boiler, file a duplicate report of such inspection with the Commissioner showing the date of such inspection together with the name of the person making such inspection, and such report shall show fully the condition and location of such boiler at the time such inspection was made. Such report shall also state when the policy of insurance was issued by the insurance company on said boiler and the date of expiration of such policy of insurance.

"The owner or user of every boiler inspected by an inspector for an insurance company authorized to do business in this State on which such insurance company has issued a policy of insurance after inspection thereof, shall be exempt from other inspections and inspection fees under the provisions of this Act; provided nothing in this Section shall prevent the Commissioner from authorizing the inspection of any insured boiler

12. Vernon's Ann.Civ.St. art. 5221c, § 5.

13. Vernon's Ann.Civ.St. art. 5221c, § 12.

at any reasonable time when, in the opinion of the Commissioner, such insured boiler may be in an unsafe condition, provided the Commissioner shall contact the insurance company carrying insurance on said boiler and that the inspector for the insurance company carrying such insurance and the inspector or deputy inspector shall jointly and together inspect the boiler, within twenty (20) days, for which inspection no additional charge shall be made as set forth in Section 12 of this Act. The Commissioner is authorized and has authority to issue a Certificate of Operation to the owner or user of all boilers subject to inspection under this Act, and the owner or user of an insured boiler shall pay the sum of Two Dollars (\$2) for each Certificate of Operation issued, and the owner or user of a State inspected boiler shall pay a like sum of Two Dollars (\$2) for each Certificate of Operation issued, which said fee shall be and is absorbed by the internal and external inspection fee authorized in Section 12 of this Act. Every insurance company shall notify the Commissioner in writing of the cancellation or expiration of every policy of insurance issued by it with reference to boilers in this State, within twenty (20) days after the expiration or cancellation of said policy, giving the cause or reason for such cancellation or expiration. Such notice of cancellation or expiration shall show the date of the policy and the date when the cancellation or expiration has or will become effective. (As amended, Acts, 1939, Forty-sixth Legislature, Page 433, Section 2.)

"Section 12. The Commissioner shall fix and collect fees for the inspection of steam boilers covered by this Act which exceed thirty (30) inches in diameter. Three Dollars and Twenty-five Cents (\$3.25) for each external inspection, and not to exceed Nine Dollars and Thirty-five Cents (\$9.35) for each internal inspection in each twelve (12) months period; and for boilers exceeding twenty-four (24) inches in diameter and not exceeding thirty (30) inches in diameter, Six Dollars and Twenty-five Cents (\$6.25) for each complete inspection in each twelve (12) months period; and boilers not exceeding twenty-four (24) inches in diameter, Three Dollars and Twenty-five Cents (\$3.25) for each complete inspection in each twelve (12) months period. Provided that, when a boiler is found unfit for further use no Certificate of Inspection shall be issued and the use of such condemned boiler may be prohibited. Provided further that the Commissioner or any of his employees shall not have authority to prescribe the make, brand or kind of boilers to buy or purchase. And provided that when any inspector or employee of the Commissioner tears down a boiler in a cleaning and pressing establishment said inspector or employee shall assist the owner to repair and assemble said boiler as it was before it was dismantled, and if he fails to assist said owner said fee shall not be paid. Such fees must be paid by the owner or user before the issuance of a Certificate of Operation for the boiler inspected. No fees shall be charged the owner or user by the Commissioner when the inspection herein provided for has been made by an inspector holding a commission as inspector from said Commissioner if the holder of such commission as inspector is employed by any county, or city and county, or city, or insurance company except the charge fixed for Certificate of Operation in Section 5 hereof. All fees collected by the Commissioner under this Act shall be paid into the State Treasury to the credit of the 'State Boiler Inspection Fund' together with a detailed report of same, and said moneys so deposited in said special fund are hereby appropriated for the purpose of paying the expenses of the administration of this Act. (As amended, Acts, 1939, Forty-sixth Legislature, Page 433, Section 3.)"

Sec. 2. The fact that the law requires inspection of steam boilers and the present law is inadequate to carry out the Legislature's intent, makes

it necessary that fees be raised in order to adequately make inspections as required by law, thereby creates an emergency and an imperative public necessity that the Constitutional Rule requiring all bills to be read on three several days be, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, April 18, 1951: Yeas 146, Nays 0; passed the Senate, April 26, 1951: Yeas 31, Nays 0.

Approved May 10, 1951.

Effective May 10, 1951.

## MUNICIPALITIES—ASSESSMENT AND COLLECTION OF TAXES

### CHAPTER 159

H. B. No. 227

An Act amending House Bill No. 312, Chapter 351, Acts of the Forty-ninth Legislature, Regular Session, 1945, relating to the assessment and collection of taxes in municipalities and districts by amending Sections 1 and 2 thereof so that any incorporated city, town or village, independent school district, drainage district, water control and improvement district, water improvement district, navigation district, road district, or any other municipality or district a majority of whose territory is located within the boundaries of another municipality or district may avail itself of the services of the Tax Assessor and Collector and Board of Equalization of such other municipality or district in which it is located and providing for the compensation of such officers and Board for said services and other provisions relating thereto; and by adding a new section to said House Bill No. 312, Chapter 351, to be known as Section 2a, validating all ordinances or resolutions heretofore adopted by any such municipality or district a majority of whose territory is located within the boundaries of another municipality or district authorizing said officers and Board of such other municipality to act for said municipality or district so availing itself of their services and validating assessment and collection of taxes by such officers for said municipality or district had heretofore; and declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

Section 1. Section 1 of House Bill No. 312, Chapter 351, Acts of the Forty-ninth Legislature, Regular Session, 1945, is hereby amended<sup>14</sup> so as to read as follows:

"Section 1. Any incorporated city, town or village, independent school district, drainage district, water control and improvement district, water improvement district, navigation district, road district, or any other municipality or district in the State of Texas, located entirely within the boundaries of another municipality or district, or a majority of whose territory is located within the boundaries of another municipality or district, is hereby empowered, to authorize, by ordinance or resolution, the Tax Assessor, Board of Equalization and Tax Collector of the municipality in which it is located or in which a majority of its territory is located, to act as Tax Assessor, Board of Equalization and Tax Collector respectively for the municipality or district so availing itself of the services of said officers and Board of Equalization.

"The property in said municipality or district utilizing the services of such Assessor, Board of Equalization and Collector shall be assessed at the same value as it is assessed for taxing purposes by the municipality or district the services of whose officers and Board of Equalization are being utilized.

14. Vernon's Ann.Civ.St. art. 1066b, § 1.